Supreme Court, U.S.
FILED

(1)

96 630 OCT 22 1996

OFFICE OF THE CLERK

No._____ TO HOLD FOR LEAD CASE

In The
SUPREME COURT OF THE UNITED STATES

October Term 1996

Joan Godwin PIERSON,
Petitioner Pro Se

v.

Wilshire Terrace Corporation
Respondent

On Petition For Writ Of Certiorari
To The California Supreme Court

PETITION FOR WRIT OF CERTIORARI

Joan Godwin Pierson
Petitioner Pro Se
Joan Godwin Pierson
10375 Wilshire Boulevard
unit #9B
Los Angeles, CA. 90024
303-278-2886

24 pp

The core issue on appeal was whether the second of two actions is a nullity where nonprofit cooperative housing association Wilshire Terrace violated a 200 year policy against multiple litigation (of attorney fees) v. Pro Se owner/shareholder Petitioner Joan Pierson residing in another state. Petitioner had to appeal 3 times to stay trial court on ground of nullity not noticed in any State Court. Request to consolidate the appeal was denied as moot. The consolidated lead appeals are not yet determined. Two sets of questions result.

QUESTIONS TO HOLD AND/OR GRANT AND HOLD FOR LEAD CASE

Whether hearing on the merits before granting Respondent's motion to dismiss appeal is a fundamental Constitutional right under Amend. I, XIV and V on free speech, due process and equal protection clauses; and whether second of two actions is a nullity by violation of a bright line precedent against multiple litigation. and whether California Court of Appeals erred in awarding costs on appeal to Respondent before appeal is determined; and whether said Court erred in dismissing appeal without considering consolidation with identical still pending appeals.

If so, whether said Constitutional guarantees mandate that this petition be held until after the State Courts' determination of all other constitutional questions in the lead case in light of: (1) denial of free speech, due process and equal rights in not hearing claim of nullity based on policy against multiple litigation; (2) dismissal and costs on appeal award based on motion's false grounds; and (3) waste of taxpayers' money in relitigating action which

multiple litigation renders a nullity.

If not, whether there is a judicial remedy for the weaker party subjected to bad faith of powerful directors' and lawfirm's manipulating judicial process into erroneously awarding costs in multiple litigation without any court, trial, appellate or supreme, hearing the merits.

QUESTIONS PENDING IN STATE COURT LEAD APPEALS

Whether the following questions in both instant appeal and lead appeals are ripe for the United States Supreme Court review:

The constitutionality of: a private, non-profit cooperative housing association ("Co-op") coercive waiver of homeowner's right to jury trial in an unsigned and disclaimed lease; said Co-op directors right to confiscate property by nonjudicial eviction of a shareholder/homeowner within five days without cause and without judicial relief; said Co-op being allowed to hold a shareholder, prevented from selling or donating her interest by false claims of "default," liable even after abandoning all-cash (purchase price) property interest (right to occupy unit); a Co-op lawfirm which has authored and often amended the Co-op leases in conflict of interest in representing Co-op directors against a Co-op shareholder/owner; California Code of Civil Procedure #581, which forbids defendants in certain actions (marriage dissolution, unlawful detainer etc) to "cross-complain," allowing plaintiff to take defendant's money, dismiss the case and file another complaint on the same issue, even though defendant plead afirmative relief; CA Government Code #6201 condoning mutilation of files by ineffectual $1000 penalty; denial of motion to correct misleading docket sheet errors; bad faith and others.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. Wilshire Terrace Corporation is a nonprofit cooperative housing association, which Petitioner believes has no subsidiaries.

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No._____ TO HOLD FOR LEAD CASE

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In The
SUPREME COURT OF THE UNITED STATES

October Term 1996

Joan Godwin PIERSON,
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v.

Wilshire Terrace Corporation
Respondent

On Petition For Writ Of Certiorari
To The California Supreme Court

PETITION FOR WRIT OF CERTIORARI

==========

Petitioner Pro Se Joan Godwin Pierson submits this Petition for a Writ of Certiorari in this case against Respondent Wilshire Terrace Corporation whose counsel is Mitchell, Silberberg & Knupp, 11377 West Olympic Blvd. Los Angeles, California 90064, attorneys John Kuechle, Jean Nogues, Yakup Hazzard.

OPINIONS BELOW

The opinion of the California Supreme Court was to refuse to accept on August 07, 1996 (Pet.App.1) Pierson's timely Request for Rehearing. The only record of said Court's refusal to accept Petitioner's attempt to file is the stamp of refusal on the back side. It appears at Appendix #1 ("Pet.App.") to the petition. It was not reported. (fn.1)

The opinion of said Court was to deny without comment on July 24, 1996 Petitioner's timely Petition for Review of dismissal. It appears at Pet.App.2 to the petition. It was not reported.

The opinion of the California Court of Appeal was to deny on May 24, 1996 rehearing of dismissal. It appears at Pet.App.3 to the Petition. It was not reported.

The opinion of said Court, based on Respondent's incorrrect grounds, was to grant on May 07, 1996 Respondent's motion for appeal dismissal of the appeal. It appears at Pet.App.4 to the petition. It was not reported.

The opinion of Los Angeles County Superior Court was to deny vacation of Respondent's voluntary dismissal without prejudice of action #1. It appears at Pet.App.5 to the petition.

The opinions of action #2 Petitioner contends are all a nullity on ground that said action violates the strict policy against multiple litigation.

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fn.1 On the same date (August 7th) the CA. Court of Appeals filed and conformed a copy of Pierson's timely request to California Supreme Court for rehearing but said Court of Appeal docket sheet did not acknowledge the filing.

JURISDICTION

The date on which the highest state court denied review of Petitioner's case was July 24, 1996. A copy of that decision appears at Petitioner's Appendix ("Pet.App.") 2.

A timely petition for rehearing was thereafter denied (by Court Clerk's refusal to accept for filing) on the following date: August 07, 1996 and a copy of the stamp and handwritten memo of court clerk denying rehearing appears at Pet.App.1 (see supra p.1n1)

The jurisdiction of this Court is invoked under 28 U.S.C. #1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The primary constitutional provision for the denial of hearing on the merits and for awarding "costs on appeal" of a case before determining whether the underlying case is a nullity are the United States Constitution Amend. #I, XIV and V; and California Constitution Art.1, Sec. 1, 2, 7.

The other questions still pending also involve property rights guaranteed in US Const. Amend. #XIV and CA. Const. Art.I, Sec. 1, 7; constitutionality of California Code of Civil Procedure #581, which conflicts with other California Statutes and with Federal Statutes; and California Government Code #6201 promoting mutilation of files by ineffectual $1000 penalty; and Courts' denial of motion to correct misleading docket sheet errors; and others.

STATEMENT OF THE CASE

This civil case involves nonprofit cooperative housing association Wilshire Terrace Corporation directors' violation of the strict policy against multiple litigation against owner/shareholder Petitioner Joan Godwin Pierson.

Pierson's share certificate was missing after a 1989 fire requiring evacuation of the Co-op building. After many requests for replacement of her missing certificate, Pierson stopped paying the monthly Co-op charges (not required for the two years (1990-1991) during reconstruction. Pierson is unable to obtain information about when Co-op was allowed to resume charges).

In 1990 Pierson had moved away (fn2) from California after the fire and had tried to sell, auction, donate or abandon her interest in the Co-op for over four years because of relentless harassment by her Co-op neighbor. Pierson returned in February 1993 to resolve the issues and to be free of connection with and legal liability to the Co-op.

WTC Co-op directors filed action #1 on April 05, 1993. On September 30, 1993 Pierson paid ($39,222.43) more than owed, subject to letters stating that it was a final payment for all debt claimed or suggested in said lawsuit, in an attempt to end all litigation.

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fn2. Petitioner lived in said Co-op until a 1989 fire caused condemnation of the building. Pierson then moved out of state and is now residing in Washington D.C. Pro Se Petitioner is temporarily staying in said Co-op only to dispose of her interest therein and to defend herself this litigation.

Respondent Co-op took Petitioner's money (September 30, 1993) in one lawsuit (#SC023196) without giving her her share certificate ("title" to shareholder's property) thus continuing to obstruct a sale; voluntarily dismissed the suit (November 04, 1993); filed another action (#SC027184 on November 19, 1993) for even more money (unaccountable and unspecified $54,090.49) on the same issue of attorney fees.

Petitioner appealed three times to stop the litigation on the ground of res judicata (payment in full) and/or on ground that the action #2 violates the strict policy against multiple litigation, and to protest the other violations of her rights as listed supra p. ii.

The California Court of Appeal consolidated the first two appeals but denied motion to consolidate the third with the first two, even though all three appeal the validity of the entire action #SC027184.

Respondent motioned to dismiss the instant (3rd) appeal which was granted on motion's incorrect grounds ("premature nonappealable" whereas the appeal was against postjudgment void orders in excess of/lacking jurisdiction).* Costs on appeal were awarded to Respondent.

Petitioner's timely petition to rehear was denied. Petitioner's timely request to California Supreme Court for review was denied, her timely request for rehearing was not allowed to be filed. The question of validity of the entire action was never heard in any State Court. Petitioner then gave notice that she would petition this Court for certiorari.

Jurisdiction was in the Court of Appeal for over two years when, by error, the instant third appeal on the identical matter on the

* Pet. App. A6

same case (#SC027184) was remitted to Superior Court without hearing on the merits, even though hearing on identical appeals was scheduled for September 10, 1996, less than a month after remittal to lower court.

Jurisdiction is now improperly in both the Court of Appeal and Superior Court on the same identical matters and case (#SC027184), while Petitioner must pay costs on appeal for an appeal which the State has not yet determined.

Pierson has exhausted all state remedies of the instant third appeal, having been denied timely petitions for review and rehearing in both Court of Appeal and State Supreme Court.

REASONS FOR GRANTING WRIT AND/OR HOLDING FOR LEAD CASE

The most direct violation of Petitioner's constitutional rights is under U.S. Const. Amend. XIV. Its Due Process Clause guarantees through case law the right to notice and hearing. The fundamental right to be heard is more than a century old. Baldwin v. Hale (1863), 68 U.S. 223, 1 Wall. 223, 17 L.Ed.531]:

> "Parties whose rights are to be affected are entitled to be heard." [68 US at 235]

Petitioner contends that a party's right to be heard, under any interpretation of the word, is guaranteed by the U.S. Const. Amend. I,V, and XIV, and that denial of said right by all levels of State Court is violation of freedom of speech, due process and equal protection under the law.

The United States Supreme Court has held in many cases that freedom of speech under the

First Amendment applies to the States under the Due Process Clause of the Fourteenth Amendment. 44 Liquormart v. State of Rhode Island (1996), 116 S.Ct. 1496 at 1496, 1498, 1500, 1501n1, 1523 [517 U.S. ___] ("44 Liquormart") cites many cases on commercial advertizing as precedent. Certiorari was just granted by this Court for remanding a case to lower court "in-light-of" 44 Liquormart (fn3).

In such cases freedom of speech and the public's right to information must be weighed against the State's interests in denying said right. 44 Liquormart applies the Central Hudson test [Central Hudson Gas & Elec. v. Public Serv. Comm'n of N.Y. (1980),447 U.S. 557, 100 S.Ct.2343, 65 L.Ed.2d 341 ("Central Hudson")] of a four part analysis for commercial speech cases to determine whether the expression is protected by the First Amendment (Central Hudson at 566):

> ".. it at least must concern lawful activity and not be misleading. Next we must ask whether the asserted government interest is substantial. If both inquiries yield positive answers, we must detrmine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest."

Central Hudson, citing Ohralik v. Ohio State Bar Assn. (1979), 436 U.S. 447 at 456, 457, 98 S.Ct.1912, 56 L.Ed. 444 ("Ohralik"), states that:

> "The Constitution .. accords a lesser protection to commercial speech than to

---

fn3. This most recent consideration of 44 Liquormart was this Court's grant of certiorari to Greater N.O. Broadcasting v. United States, et.al. 96 L.A. Daily Journal D.A.R. 12185 filed October 07, 1996.

other constitutionally guaranteed expression" (Central Hudson at 563).

Petitioner herein contends that this test and the priority given to personal individual free speech over commericial speech apply where an entire State judicial system refuses to take notice or hear Petitioner's claims as a private citizen required to offer defense as party to litigation.

As a result of the instant litigation, injury rather than remedy was sustained by Petitioner, whose appeal was dismissed with 'costs on appeal' awarded to Respondent without hearing, and without the State Courts showing any indication that said Courts had taken notice of Petitioner's claim: that the first action having been satisfied and voluntarily dismissed, the entire second action is a nullity on ground that said Action #2 on the same repeated issue (attorneys' fees) violates the strict policy against multiple litigation; and denying consolidation with the lead appeal.

The four pronged test of whether freedom of speech is allowed requires lawful activity. A party to an action cannot file an unlawful claim in Court as it is the Court which must determine whether the claim is lawful.

The right to be heard in a court of law is the right to freedom of speech. If courts hear only one side of an argument, regardless of whether it is reversible error, the party whose argument is suppressed is de facto denied freedom of speech, due process and equal protection under the law. The First Amendment doctrine (44 Liquormart at 1512) makes it clear that these are all essential elements of a democratic society.

However, the right of all American citizens

to freedom of speech guaranteed by the First Amendment must be balanced and weighed against government interests. The primary interest of the judicial system in not hearing a party's claims appears to be concern for taxpayers' costs of prolonged costly litigation and work-load reduction. The instant case, an action which Petitioner contends is a nullity which should be terminated without further procedure, has been remanded to trial court before the question of nullity is decided in the lead appeal. The result is greater taxpayers' costs, not less. Government's significant interests of economy are not served. They are defeated, not advanced by not hearing both parties.

The final prong is whether the asserted government interest is not more extensive than is necessary to serve that interest. Whether by error or by economy, the government interest in avoiding delay and wasteful judicial and litigants time and costs is more extensive than necessary if it hears only one party on the merits. Brookhauser v. State (1992), 10 Cal. App.4th 1665, 1678, 13 Cal.Rptr.2d 658:

> "the law requires appellate courts to search the ENTIRE (court emphasis) record, and to make their determination of sufficiency in light of ALL (court emphasis) the evidence in the case. This approach qualifies the "in the light of most favorable" rule.

Petitioner also contends that, as an individual having the right to greater protection than a commercial enterprize, this petition should be reviewed with special care under strict standard, lest creative attorneys receive the message that they can use the strategy of the instant actions (delaying and prolonging 6 month litigation into 3 1/2 years and still going), manipulate the system with impunity, and exponentially increase the taxpayers' costs and the Courts' workload.

California Rules of Court ("CROC") #1(a) states that a notice of appeal:

"shall be liberally construed in favor of its sufficiency."

balancing advantages of those with experience at concisely and accurately stating grounds for appeal with those with lesser skills, in order to protect the appeal's substantial issues.

Petitioner is a pro se ("in pro per") litigant. Platsky v. C.I.A., 953 F.2d 26 (2d Cir. 1991) holds that "the Supreme Court has directed district courts to construe pro se complaints more liberally and to apply a flexible standard when determining their sufficiency. Platsky holds that the complaint did describe specific instances of injury, even if not very skillfully. see also Simmons v. Abruzzo 49 F.3d 83, 87 (2d. Cir. 1995: "The complaint of a pro se litigant is to be liberally construed in his or her favor."

The questions presented herein were created largely by unprofessional conduct on the part of Respondent attorney (fn4), massive alteration of files, and docket sheets which do not show the connection of the three appeals, all of which indicate bad faith and possibly fraud. Bad faith and motive of retaliation will be addressed to this Court if not resolved by State Courts. Pierson prays that this Court will consider the detriment to our judicial system if deliberate fabrication and prolonged litigation is allowed at taxpayers' expense as a tactic to exhaust and impoverish the weaker party [Pet.App. A7]

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fn4. see 04/22/96 "Notice of Respondent's Attempt to Reinstate Superior Court Jurisdiction of Issues still on Appeal .." [not entered on docket sheet]; and 06/21/96 "Report of (Respondent) Attorney..Unprofessional Conduct expense to both the Courts and to Petitioner.

This unnecessarily complex three and one half year old litigation should have been terminated within six months had it not been for CA. Code of Civ. Proc #581, which allowed multiple litigation over attorney fees after satisfaction and voluntary dismissal of the first action. Petitioner's contention that the second of two actions is a nullity on ground that said action violates the strict policy against multiple litigation is the basis for all other claims. From New York v. Connecticut (1799) 1 US 4 to Carroll v. Import Motors Inc. (1995), 33 Cal.App.4th 1429, 39 Cal.Rptr.2d 791 a bright line of precedent abhors multiple litigation. Carroll, with all the citations therein, restates the two century old precedent against multiplicity of litigation into a "strict policy," rendering subsequent litigation void ab initio (fully analysed in Petitioenr's #BO86583 opening brief).

Accordingly, should this Court grant certiorari on the questions unique to the piecemeal dismissal of the instant appeal, it would be more economical to hold for State Court's pending determination of the lead appeals on the underlying questions in all appeals. Petitioner Pierson herein so requests.

--- / ---

CONCLUSION

For all of these reasons stated herein, the Petition for Writ of Certiorari should be granted or held for lead appeals.

Dated:
October 22, 1996

Respectfully submitted,

_____

Joan Godwin Pierson,
Petitioner Pro Se

APPENDIX

APPENDIX 1

CALIFORNIA SUPREME COURT

Refusal to File Petition for rehearing

The California Supreme Court refused to accept on August 07, 1996 (fnA1) Petitioner's timely Request for Rehearing. The only record of said Court's refusal to accept Petitioner's attempt to file is the stamp of refusal on the back side of the petition:
#S054298 on #B086583

RECEIVED
96 AUG 7 AM : 25
SUPREME COURT
LOS ANGELES

Rule 24 Cal.R Rules of Court

fnA1 On the same date (August 7th) the CA. Court of Appeals filed and conformed a copy of Pierson's timely request to California Supreme Court for rehearing but said Court of Appeal docket sheet did not acknowledge the filing.

APPENDIX 2

CALIFORNIA SUPREME COURT

[Order denying Appellant's petition for review]

Second Appellate District, Division Four
No. B086583
S054298

Wilshire Terrace Corporation, Respondent
v.
Joan Godwin Pierson, Appellant

Appellant's petition for review DENIED.

SEAL: Supreme Court
FILED
July 24, 1996
Robert Wandruff Clark

Deputy

GEORGE

Chief Justice

APPENDIX 3

CALIFORNIA COURT OF APPEAL

[Order denying petition for rehearing]

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FILE COPY

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OFFICE OF THE CLERK
COURT OF APPEAL
STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT
JOSEPH A. LANE, CLERK

DIVISION: 4 DATE: 05/24/96

Joan G. Pierson
10375 Wilshire Blvd
#9B
Los Angeles, CA. 90024

RE: Wilshire Terrace Corporation
vs.
Pierson, Joan G.
2 Civil B086583
Los Angeles NO. SC027184

THE COURT:

Petition for rehearing denied (fnA3)

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fnA3: Petitioner was unable to obtain a copy of the original order. This is a typewritten copy of the document given to Petitioner by a file clerk of the California Court of Appeal.

APPENDIX 4

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

[Order granting dismissal without hearing and denying consolidation as moot]

WILSHIRE TERRACE CORPORATION, Plaintiff and Respondent v. JOAN GODWIN PIERSON, Defendant and Appellant	B086583 (Super.Ct.No. SC027184 ORDER

SEAL: COURT OF APPEAL.SECOND DIST.
FILED
MAY 7, 1996
JOSEPH A. LANE Clerk
R. TAYLOR Deputy Clerk

THE COURT:*

The motion to dismiss the appeal in this case is granted as the appeal is taken from a unappealable order (fnA4). The motion to consolidate this appeal with case number B081436 is denied as moot (fnA4).

<signatures>

*VOGEL (C.S.),P.J., EPSTEIN,J., HASTINGS,J.

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fnA4. The appeal was from an appealable postjudgment void order. The request for consolidation was for the same entire case #SC027184, being appealed in both #B081436 and in B086583 because trial court refused to stop proceedings after the first two appeals.

The opinions of dismissed action #2 Petitioner contends are all a nullity on ground that said action violates the strict policy against multiple litigation.

APPENDIX 5

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES
DATE: DEC 15 1993
HONORABLE B E MITCHELL JUDGE PRO TEM

0130PM	SC023196	
	WILSHIRE TERR CORP	Counsel for Plaintiff K. McAchran for Mitchell-Silberberg
	PIERSON, JOAN GODWIN -ET AL	IN PRO PER

NATURE OF PROCEEDINGS	
PRO PER MOTN TO VACATE JUDGMENT AND ENTER DIFFERENT JUDGMENT	DENIED (fnA5) NO SANCTIONS, "BAD FAITH" IS NOT SHOWN.

[x] NOTICE	[x] By respondent(s) (i.e. defendant)

MINUTES ENTERED
DEC 15, 1993
CLERK

fnA5. Pierson, Defendant/Appellant/Petitioner, (listed in this minute order as "respondent"), had motioned for dismissal WITH prejudice to replace motion without prejudice after payment accepted, to prevent the multiplicity of litigtion which followed. ON NOV 05, 1993 B E MITCHELL, JUDGE PRO TEM had refused to rule, saying that Plaintiff gave the order and the Court could do nothing about dismissal without prejudice, filed without adequate notice one day before November 05, 1993 hearing. Full details are stated in #B081436 opening brief, and refused to notice Pierson (Defendant/Appellant/Petitioner)'s request for judicial notice and motion to amend Answer to complaint for "new evidence" (i.e. satisfaction) of payment and acceptance in full (for more than) demanded.

APPENDIX 6

TEXT OF APPELLANT/PETITIONER/DEFENDANT
PIERSON'S "UNIFIED APPEAL" IN WHICH
ALL THREE APPEALS ON #SC027184 ARE UNIFIED:

WILSHIRE TERRACE CORPORATION, Plaintiff, vs JOAN GODWIN PIERSON et al Defendants.	) Case numbers) SC023196 and) SC027184) NOTICE OF APPEAL

JOAN GODWIN PIERSON et al, Defendant (hereinafter "Pierson") appeals to the Appellate Court of the State of California, County of Los Angeles, pursuant to Code of Civil Procedure #904.1(a)(1) from:

(1) Superior Court's series of abuses of discretion in November 05, 1993 failure to exercise its discretion by not ruling on plaintiff's dismissal Without prejudice and its December 15, 1993 order denying Pierson's motion to vacate. Said judgment, conforming to the final judgment rule, of case #SC023196 denied Pierson complete relief and allowed plaintiff further litigation on the same matter: and

(2) Plaintiff's filing, two weeks after dismissing action #SC023196 and 19 days after Pierson's payment, another action (#SC027184) for more money on the same subject matter in violation of the strict policy against multiplicity of litigation. Further appeals (02/22/94; 08/05/94) are based on the December 23, 1993 appeal of the abuses of discretion in the previous final judgment. All case #SC027184 acts/orders are therefore in excess of jurisdiction and void.

Original Dated: December 23, 1993
Unification Dated: May 28, 1996
<signature>
JOAN GODWIN PIERSON, In Pro Per

APPENDIX 7

NOTICE AND REPORT TO ALL COURTS OF
RESPONDENT ATTORNEY'S UNPROFESSIONAL CONDUCT

On April 02, 1996 respondent Co-op attorney filed in Trial Court case #SC027184 a request for trial setting of the instant appeal. This was two days before said attorney filed in Court of Appeal a motion to dismiss said appeal (one of 3 appeals on the same case #SC027184). Pierson's June 21, 1996 Report on the month long repercussions of this unprofessional conduct is missing from Petitioner's files, but the April 22, 1996 Notice is herein abstracted:

PLEASE TAKE NOTICE that repondent/plaintiff is attempting to reactivate Superior Court stayed jurisdiction over case #SC027184 issues pending in the Appeals #BO81436 and #BO86583. April 11, 1996 appellant/defendant Pierson requested Court of Appeal to hold a joint hearing of Pierson's opposition to respondent Co-op and request for consolidation of these two appeals.

The following day (04/12) Pierson received notice of a May 06, 1996 Superior court status conference, which had been calendared because of Co-op's improper request for trial setting on matters pending appeal. Pierson was assured by Superior Court that this will be taken off calendar. However, Co-op is still making improper attempts to establish lower court jurisdiction pending appeals on the validity of the entire case #SC027184 for violation of strict policy against multiplicity of litigation.

Co-op's request for Dismissal of appeal #BO86583 is a deception to take back to lower court the same case #SC027184 being appealed in #BO81436. If reviewing court, with exclusive jurisdiction over the entire case, annulls said case, the absurd, vexacious result would be a void case proceeding to trial to the detriment of the judicial system, wasting time and costs of all courts and requiring a fourth appeal.